

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

RICHARD FERREIRA,
Plaintiff,

v.

TOWN OF LINCOLN, et al.,
Defendants.

C.A. No. 1:19-cv-00200-JJM-PAS

**LINCOLN DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF
THEIR MOTION FOR ENTRY OF JUDGMENT PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 54(b)**

Defendants Town of Lincoln, Lincoln Police Department, Brian Sullivan, Philip Gould, Sean Gorman, Dana Packer, Christopher Nightingale, Walter Ptaszek, Jason Bolduc, Stephen Rodrigues, Joseph Anterni, Brendan Legare, Kyle Kinniburgh, and Jonathon Sexton (collectively the “Lincoln Defendants”) file this motion for entry of final judgment in accordance with Rule 54(b) of the Federal Rules of Civil Procedure. The Lincoln Defendants submit that there is no just reason for delay in entry of final judgment.

I. Background and Analysis

On June 4, 2020, Plaintiff Richard Ferreira (“Plaintiff”) filed a second amended complaint, which contains claims against the Lincoln Defendants and several members of the Rhode Island State Police. See Second Amended Complaint, Docket at #46. The Lincoln Defendants moved for summary judgment several months later. See Motion for Summary Judgment, Docket at #62. In their motion, they sought to dismiss all applicable claims against them on various grounds. See generally Supporting Memorandum, Docket at #62-1. Plaintiff then objected to the motion. See Opposition to Motion for Summary Judgment, Docket at #64. On November 20, 2020, the Court granted the Lincoln Defendants’ motion. See Memorandum and Order, Docket at #65. Therefore, no claims remain against the Lincoln Defendants.

The Lincoln Defendants now move for judgment under Fed. R. Civ. P. 54(b) as to all claims against them in the second amended complaint. Rule 54(b) provides that,

[w]hen an action presents more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party claim—or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay. Otherwise, any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities.

Fed. R. Civ. P. 54(b) (emphasis added). Since the Court has granted the Lincoln Defendants' motion for summary judgment and there are no claims remaining against them, entry of final judgment is appropriate and there is no just reason for delay.

II. Conclusion

The Lincoln Defendants respectfully submit that the Court enter final judgment in their favor as to Plaintiff's claims against them.

Defendants,
By their attorneys,

/s/Marc DeSisto

/s/Patrick K. Burns

Marc DeSisto, Esq. (#2757)
Patrick K. Burns, Esq. (#10107)
DESISTO LAW LLC
60 Ship Street
Providence, RI 02903
(401) 272-4442
marc@desistolaw.com
pburns@desistolaw.com

CERTIFICATION OF SERVICE

I hereby certify that on this 1st day of December, 2020, I electronically filed and served this document through the electronic filing system upon the following:

Chrisanne Wyrzykowski (#7565)
cwyrzykowski@riag.ri.gov

Justin J. Sullivan (#9770)
jjullivan@riag.ri.gov

I further certify that a true and accurate copy of the within was mailed, postage pre-paid, this 1st day of December, 2020, to:

Richard Ferreira, *Pro Se*
45 Dover Street
Fall River, MA 02721
(774) 379-3621

/s/*Patrick K. Burns* _____